THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO.26294 OF 2000

DATED 20.09.2005

Between:

Tirumala Tirupati Devasthanam,

Sri Ammavari Temple Employees Union,

Registered No.F/1521/96, Office 10/27,

Sannadhi Street,

Tiruchanue Chittoor District,

Rep. By it's General Secretary,

P.Lakshmi Narasimham.

.. Petitioner.

And

1 The Government of Andhra Pradesh,

rep. By it's Chief Secretary, Hyderabad and

two others.

.. Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO.26294 OF 2000

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 2 and 3 and the learned Government Pleader for Endowments.

The petitioner herein, who claims to be the Employees Union in regard to Sri Padmavathi Ammavari Temple under the management of Tirumala Tirupati Devasthanam, seeks a Writ of Mandamus to declare the action of the second respondent in not regularizing the services of the members of the petitioner Union as illegal and contrary to the judgment of the Hon'ble Supreme Court dated 09.06.1997 and G.O.Ms.No.855, dated 08.10.1997 apart from the violation of Articles 14, 16 and 21 of the Constitution of India and consequential reliefs.

In the affidavit sworn to by Sri P.Lakshmi Narasimham, the General Secretary of the petitioner Union, the claim of the petitioner sought to be rested in pursuance of the proceedings which went up to the Supreme Court challenging the provisions of the A.P. Charitable Hindu Religious Institutions and Endowments Act, 1987 resulting a decision as reported in ***A.S. Narayana Deekshutulu V. State of A.P.*** whereunder a Committee was directed to be constituted in regard to the payment of salaries to various categories of employees or servants of the temple. Accordingly, a Committee was constituted thereby and submitted its report on 04.10.1996, which was given effect to by the State Government. The said matter pertains to various employees. In terms of the report submitted by the State Government on 04.10.1996, the matter was again taken up by the Supreme Court and the said report was accepted on 09.05.1997 as reported in JT 1997 (5) SC 504. Under the said recommendations, there was determination in regard to the scales of pay etc., The petitioner's main complaint is that even though the said recommendations as accepted by the Supreme Court were given effect to in respect of the employees pertaining to main temple at Tirumala, but the same is not extended to the

employees pertaining to Smt. Padmavathi Ammavari Temple situated at Tiruchanoor in respect of all such similarly situated employees as that of Tirumala Tirupati Devasthanam. Therefore, there is a clear discrimination and further, there is absolutely no reason to deny the said benefit to the employees of Smt. Padmavathi Ammavari Temple on par with the said decision in regard to the scales of pay etc., It is also pointed out that inspite of the said decision, the members of the petitioner Union are being paid interim measurement rather than regular scales as provided. Hence, the Writ Petition.

In the counter-affidavit which has been sworn to by the then Executive Officer, the main objection raised is to the effect that the said decision or the report in regard to the scales of pay as referred to by the petitioner before the Supreme Court would not apply to the employees who have been appointed by Mirasidars since no such worker engaged by the erstwhile Mirasidars falls under Section 35 of the Act 30/87 and therefore, they are not entitled to be appointed in the said temple at Tiruchanoor. However, they can be considered according to the rules framed under the direct recruitment and yet they cannot claim any right of appointment with retrospective effect as in the case of hereditary Mirasidars. Further, it is pointed out that the employees of the petitioner Union are being given wages and remuneration as approved by the Board of Trustees, TTD in Res. No.1073, dated 28/29-12-1998 and therefore, it is not correct to say that they are being paid as interim enhancement of Rs.10/- to Rs.20/- per day. Further, it is also pointed out that in regard to the main decision, still further proceedings are pending by way of Review or etc., in the Supreme Court. Hence, the petitioners are not entitled to any relief.

Having considered the submissions made and on perusal of the material available on record, the question which arises for consideration is as to whether the employees of the petitioner Union are entitled to the similar such benefits as per the aforesaid decision of the Supreme Court on par with the employees of the Tirumala Tirupati Devasthanam?

There is no dispute in regard to the entire long litigation between the Tirumala Tirupati Devasthanam employees and other the Office holders and the appointment of Committee and submission of report thereof which has been subsequently accepted by the Supreme Court. There is also no dispute to the fact that the employees of the TTD are being paid the scales of pay etc., on part with the said recommendations made by the Committee. Further, it is also not disputed that the similar such benefit is not being extended to the employees of Smt. Padmavathi Ammavari Temple at Tiruchanoor and the employees of both the temples at Tirumala and Tiruchanoor are under the control of the second respondent and the entire litigation in fact pertains to the effect of provisions of Section 35 of the Act in regard to all hereditary and the said Office holders , servants etc., Though the petitioner sought to assail that they are not being paid on par with the employees of TTD, the said fact has been denied by the respondents and stated that they are being paid regular wages. To this, there is no reply on behalf of the petitioner. However, the petitioner being a Union has not come out as to its cadre strength and the emoluments paid to them. Except a bald assertion that they are not being paid as against with that of the employees of TTD, a distinction is sought to be drawn by the respondents that the workers who have been appointed as Mirasidars, who are

hereditary Office Holders, would not fall well within the Section 35 of the Act. Even in this regard, nothing much has been pointed out on behalf of the petitioner as to how they would be equated with that of the employees of TTD. These are all matters, which have to be gone into in depth and on proper identification of all the aspects with all the particulars available, then only the matter can be more aptly considered. Without any such data being available and establishing the similar status for both set of employees, it cannot be said that there is any discrimination. However, leaving open for the petitioner Union to make a comprehensive detailed representation pointing out all these aspects to the second respondent and setting out their claim on par with the employees of the TTD, the same would be considered on proper perspective, more so in view of the aforesaid decision of the Apex Court.

This Revision is accordingly disposed of directing the petitioner Union to submit a representation to the second respondent and on receipt of which, the respondents shall pass orders on merits after giving an opportunity of hearing to the petitioner Union. It is needless to mention that the second respondent shall have to consider the petitioner employees come in the light of the judgment of the Supreme Court as mentioned above. No costs.

_____

(B. PRAKASH RAO, J)

20th September 2005.

Chvn.